

**CONSERVATION COMMISSION  
MEETING MINUTES**

**AUGUST 30, 2005**

**PRESENT:** Shawn Costello, James Gage, Walter Moody, and David Hurley

**ABSENT:** Jesse Amsel and Glenn Eberly

**STAFF**

**PRESENT:** Reanna Goodreau, Recording Secretary

**I. CALL TO ORDER:**

Chairman Costello called the Ellington Conservation Commission meeting to order at 7:35 PM.

**II. PUBLIC COMMENTS: NONE**

**III. NEW BUSINESS:**

**MOVED (MOODY), SECONDED (HURLEY) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA: DISPOSITION OF FUNDS WHEN THE TOWN SELLS LAND.**

Chairman Costello asked Selectman Charter if the funds from the sale of open space lands are put in the open space fund. Mr. Charter stated that he thought that the funds were put into the general fund. The commission agreed to look into this further and if the funds were put into the general fund, they would research what would need to be done to have the funds put into the open space fund.

**MOVED (MOODY), SECONDED (GAGE) AND PASSED UNANIMOUSLY TO TABLE THIS ITEM TO THE SEPTEMBER 27, 2005 MEETING.**

**MOVED (COSTELLO), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA: DISCUSSION OF PROPOSED ROUND-ABOUT.**

Chairman Costello expressed his concern about the round-about. He explained that the round-about is being partially located on land that was deeded to the town as part of a subdivision requirement. He noted that the Connecticut General Statutes state that the town can take open space lands, but that they must replace them. Chairman Costello explained that he had attended the Inland Wetlands meeting and asked if the proposal would be brought before the Conservation Commission. The commission agreed that the proposal should be brought before them for a recommendation to the Board of Selectmen.

**MOVED (COSTELLO), SECONDED (HURLEY) AND PASSED UNANIMOUSLY TO REQUEST THAT THE BOARD OF SELECTMEN (BOS) DO NOT VOTE ON THE ROUND-ABOUT UNTIL THE TOWN PRESENTS THE PROPOSAL TO THE CONSERVATION COMMISSION IN ORDER FOR THE COMMISSION TO PROVIDE A RECOMMENDATION TO THE BOS. ACCORDING TO CGS 7-131N, IF ANY MUNICIPALITY TAKES ANY LAND, FOR HIGHWAY OR OTHER PURPOSES, WHICH LAND WAS PURCHASED FOR PARK OR OTHER RECREATIONAL OR OPEN SPACE PURPOSES...OR WHICH HAD BEEN DEDICATED FOR SUCH PURPOSES, SUCH MUNICIPALITY SHALL PROVIDE COMPARABLE REPLACEMENT LAND AT LEAST EQUAL IN VALUE AND PER UNIT AREA SIZE TO THE VALUE AND PER UNIT AREA SIZE OF THE LAND TAKEN. IT SHALL HOLD A PUBLIC HEARING...AT SUCH PUBLIC HEARING AND IN THE NOTICE THEREOF, THE MUNICIPALITY SHALL SET FORTH THE DESCRIPTION OF THE LAND PROPOSED TO BE TAKEN AND THE PROPOSED USE OF SUCH LAND, ANY REASONS FOR THE PROPOSED TAKING OF THE PARKLAND RATHER THAN OTHER LAND AND THE DESCRIPTION OF THE REPLACEMENT LAND TO BE PROVIDED.**

#### **IV. UNFINISHED BUSINESS:**

##### **1. Open Space Plan—Status**

Chairman Costello reviewed the memo from Planimetrics. The commission agreed that additional graphics would benefit the open space plan.

**MOVED (GAGE), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO APPROVE THE EXPENDITURE OF \$800 TO PLANIMETRICS IN ORDER FOR ADDITIONAL GRAPHICS TO BE INCLUDED IN THE OPEN SPACE PLAN.**

##### **2. Discussion of Fee In-Lieu of Open Space**

Reanna Goodreau stated that the Finance Officer gave her a print-out with the total funds in the open space fund. Chairman Costello noted that although it appears that there is a substantial amount in the fund, it quickly depletes with the purchase of a small amount of land. He stressed the need for additional funding.

Commissioner Gage stated that the First Selectman sent a letter to four appraisers to see if they would be interested in being included on the "Approved List of Appraisers" and that he had received three responses.

**MOVED (GAGE), SECONDED (HURLEY) AND PASSED UNANIMOUSLY TO SEND A MEMO TO THE PLANNING & ZONING COMMISSION STATING THAT THE CONSERVATION COMMISSION HAS REVIEWED THE APPLICATIONS SUBMITTED TO THE FIRST SELECTMAN FOR APPRAISERS WHO WANT TO BE INCLUDED ON THE PZC'S APPROVED LIST OF APPRAISERS. THE CONSERVATION COMMISSION APPROVES ADDING STEWART APPRAISAL SERVICES, CLAPP APPRAISALS, AND RUMMEL & NORTON, LLC TO THE TOWN'S LIST OF APPROVED APPRAISERS. THE COMMISSION FURTHER REQUESTS THAT ANY ADDITIONAL APPLICATIONS FOR THE APPROVED APPRAISERS LIST BE SUBMITTED TO THE CONSERVATION COMMISSION FOR**

**REVIEW, IN ORDER FOR THE CONSERVATION COMMISSION TO RECOMMEND  
ADDITIONAL APPRAISERS FOR THE LIST.**

3. Discussion Regarding the Placement of Deed Restrictions on Land Acquired by Using Open Space Funds

Commissioner Hurley stated that there can be confusion in regards to the appropriate use of town owned land. He stated that the best way to place restrictions on certain lands is by deed restriction. Commissioner Hurley explained that other instruments can be changed over time, which would defeat the purpose of trying to restrict uses. He suggested creating a policy for the town to use when land is purchased, donated, or given as part of a subdivision requirement. The commission agreed that being able to place certain restrictions on certain pieces of land would be valuable. Chairman Costello requested that the "Development of Deed Restrictions & Policies for Town-Owned Properties and Open Space" be place on the September agenda.

4. Discussion of Route 30 and Route 140

Chairman Costello expressed his concern with the impacts of run-off, discharge, and erosion into Crystal Lake, especially from state roads. He noted that he would like the State to address this issue. Commissioner Hurley suggested speaking with Chuck Lee from the DEP to begin a dialogue and check into funding. Chairman Costello stated that he will contact Mr. Lee.

5. Discussion of Town-Owned Open Space Parcels:
  - a. Pinney Street, APN 017-020-0000 & 017-021-0000 (Santini Subdivisions)
  - b. Sandy Beach Road, APN 129-088-0103 & 129-088-0104 (Crystal Ridge Subdivision)
  - c. Jonathan Drive, APN 014-010-0000 (Carriage Run Subdivision)

**TABLED TO THE SEPTEMBER 27, 2005 MEETING.**

6. Discussion of Parcel Selection for Upcoming DEP Grant

Chairman Costello stated that the hilltop near the Batz property would be a great target area. Commissioner Hurley stated that he is sending a letter to several property owners in the western side of town in order to gauge their interest in selling their land.

**V. ADMINISTRATIVE BUSINESS:**

1. Approval of the July 26, 2005 Meeting Minutes

**MOVED (GAGE), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO APPROVE THE  
JULY 26, 2005 MEETING MINUTES.**

2. Correspondence:
  - a. Letter to Northern Connecticut Land Trust from Reanna Goodreau, dated 7/27/05
  - b. Environmental Management Bulletin re: Farmland Preservation Bill
  - c. CACIWC 28<sup>th</sup> Annual Meeting & Environmental Conference 11/5/05

**SO NOTED.**

**MOVED (GAGE), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA: PORTER ROAD DISCONTINUANCE.**

The commission discussed the status of the proposed Porter Road discontinuance. A concern was whether or not the town could maintain an easement for a possible future trail for the public. The commission decided to request a legal opinion from the Town Attorney regarding the easement issue. The commission noted that they had requested that the First Selectman forward a more specific plan when he was ready to move forward with the discontinuance in order for them to give a more formal endorsement.

**MOVED (HURLEY), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO SEND A LETTER TO THE FIRST SELECTMAN AND THE BOARD OF SELECTMEN (BOS) STATING THAT THE CONSERVATION HAS NOT RECEIVED ANY RESPONSE FROM THE FIRST SELECTMAN REGARDING THE STATUS OF THE DISCONTINUANCE, BUT HAS LEARNED THAT THE BOS HAS THIS ITEM ON THEIR AGENDA. THE COMMISSION RESPECTFULLY REQUESTS THAT THE BOS NOT ACT UNTIL THE CONSERVATION HAS RECEIVED MORE DETAILED INFORMATION ABOUT THE PLANS FOR DISCONTINUING PORTER ROAD IN ORDER TO MAKE A FORMAL RECOMMENDATION TO THE BOS. THE COMMISSION FURTHER REQUESTS A LEGAL OPINION REGARDING THE ABILITY TO MAINTAIN AN EASEMENT FOR TRAIL USE OVER THE DISCONTINUED ROAD.**

**VI. ADJOURNMENT:**

**MOVED (HURLEY), SECONDED (MOODY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:25PM.**

Respectfully submitted,

Reanna Goodreau  
Recording Secretary